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PATENT  
Our Docket: P-HP 3589

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Group Art Unit: 1627  
Lang and Pei )  
Serial No: 09/401,004 ) Examiner: M. Garcia-Baker  
Filed: September 21, 1999 )  
For: BENZIMIDAZOLE )  
DERIVATIVES AND )  
COMBINATORIAL LIBRAIRES )  
THEREOF )  
Asst. Commissioner for Patents  
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. SECS. 1.821(f) and (g)

The content of the paper and computer readable copies of the Sequence Listing, submitted herewith in accordance with 37 C.F.R. secs. 1.821(c) and (e), respectively, are the same.

In accordance with 37 C.F.R. sec. 1.821(g), this submission does not contain new matter.

Respectfully submitted,

Date: February 11, 2003

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David I. Spolter  
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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/401,004	09/21/99	LANG	P-HP 3589

EXAMINER	
Maurie Garcia Baker, Ph.D.	
ART UNIT	PAPER NUMBER
1639	24

DATE MAILED:

### Notice to Comply

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Please see, for example, page 63, lines 26-27 and page 67, line 24. The lengthy specification has not been checked for the presence of all sequences therein.

Any inquiry concerning this communication should be directed to Examiner **Maurie Garcia Baker, Ph. D.**, Art Unit **1639**, whose telephone number is **(703) 308-0065**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is **(703) 308-0196**.

**APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825.** Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of this attached Notice to Comply with the response

MAURIE GARCIA BAKER, Ph.D.  
PATENT EXAMINER

Application No.: 09/401,004

FEH 1 1 1993  
**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e)
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance ..... 703-287-0200

To Purchase PatentIn Software ..... 703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**



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TECH C- 1100/2900

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Lang and Pei ) Art Unit: 1627  
Application No. : 09/401,004 ) Examiner: M. Garcia-Baker  
Filed : September 21, 1999 )  
For : BENZIMIDAZOLE DERIVATIVES )  
AND COMBINATORIAL LIBRARIES )  
THEREOF )

**CERTIFICATE OF HAND DELIVERY**

Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby certify that the attached correspondence comprising:

1. Supplemental Amendment in Response to the Notice to Comply with Sequence Rules, mailed December 17, 2002.
2. Other - Statement Under 37 CFR Secs. 1.821 (Fig.) And (g)
3. Other - Copy of Notice to Comply with Sequence Rules
4. Other - Paper and Computer Readable copies of Sequence Listing
5. Petition for one-month Extension of Time (in duplicate)
6. Transmittal (in duplicate)

is being hand delivered to the United States Patent and Trademark Office addressed to:

Commissioner for Patents  
Washington, D.C. 20231

on February 12, 2003.

Douglas R. Hanscom

**Signature of person delivering paper**



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Asst. Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER IN RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Notice to Comply mailed December 17, 2002, enclosed are:

- 1. A Supplemental Amendment.
- 2. A Petition for a one-month extension of time (in duplicate).
- 3. A paper and disc copy of sequence listing.
- 4. A statement under 37 C.F.R. Sec. 1.821.
- 5. Copy of Notice to Comply.
- 6. No additional claims fee is required.
- 7. A check in the amount of \$110.00 to cover the one-month extension of time is enclosed.

Transmittal  
Ser. No. 09/401,004  
Page 2

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 501559. A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 C.F.R. 1.16.  
 Any patent application processing fees under 37 C.F.R. 1.17.

The Commissioner is hereby authorized to charge to Deposit Account No. 501559 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

David I. Spolter  
David I. Spolter  
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LAW OFFICE OF DAVID SPOLTER  
1590 Coast Walk  
La Jolla, California 92037  
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